

**Board of Game and Inland Fisheries
Meeting Minutes
4000 West Broad Street
Richmond, Virginia 23230**

October 22, 2009, 9:00am

Present: Charles S. Yates, Chairman, James W. Hazel, Vice-Chairman, Mary Louisa Pollard, Ward Burton, Sherry Crumley, John W. Montgomery, Jr., Dr. William T. Greer, Jr., F. Scott Reed, Jr. and J. Brent Clarke, III; **Absent:** Randy Kozuch and Richard Railey; **Director:** Robert “Bob” W. Duncan; **Chief Operating Officer:** Matt Koch; **Senior Leadership Team:** Ray Davis, Larry Hart, Larry Harizanoff, Charlie Sledd, Colonel Dabney “Dee” Watts and David Whitehurst.

The Chairman welcomed everyone and called the meeting to order at 9:00am and also noted for the record that a quorum was present for today’s meeting. A closed session will be held during the meeting today. On behalf of the Board, the Chairman welcomed Mr. J. Brent Clarke, III, who has been appointed to represent the Tenth Congressional District. Mr. Clarke’s interests are in waterfowl hunting and conservation and he also enjoys participating in many of the other outdoor activities. The Chairman thanked Mr. Tom Stroup for his past service to the board.

The Mission Statement was read for the record by Ms. Sherry Crumley and the Pledge of Allegiance was lead by Peer Group 7 of the Leadership Development Program. The Fellows of this group are: Vic DiCenzo, Region II; Greg Funkhouser, Region II; Mike Pender, Region III; Phil West, Region I and Tom Wilcox, Headquarters.

Recognition of Employees and Others: The Chairman called upon Mr. Bob Duncan for staff recognitions.

Mr. Lee Walker recognized Ms. Karen Holson, DGIF Outdoor Education Supervisor and Virginia NASP State Coordinator. Ms. Holson was recognized for the Agency having received “the 200 NASP Schools in Virginia Award” and the “NASP in 10% of Virginia Schools Award” from the National Archery in the Schools Program (NASP).

The National Archery in the Schools Program (NASP) is a joint venture between state Departments of Education and State Fish & Wildlife Agencies. Several archery equipment manufacturers and conservation organizations are also partners. The program promotes student education and participation in the shooting sports.

An archery education program started in Kentucky in 2002 and is spreading throughout the United States. Virginia started NASP in 2006 and DGIF currently has trained over 297 schools and 760 teachers. DGIF has provided and assigned NASP equipment sets to over 200 schools.

Ms. Holson said it was an honor to receive the “200 NASP Schools in Virginia Award.” She noted that Kentucky has 800 schools in the program, and Virginia, Michigan and Ohio are over 200. All other states are at 100 or less. All 50 states are trained in this program with 49 active states participating in the program. Ms. Holson showed a diagram showing Virginia’s ranking within the 49 active states. Schools and teachers are excited about this program. The teachers participating in the program do not have to have archery experience. Ms. Holson said the next State tournament for Virginia would be held on February 27, 2010.

Mr. Montgomery said he also serves on the Henrico County School Board and the School Board Members will receive a demonstration on this program from students at Virginia Randolph High School. This is the school's second year in the program and the students who participate normally do not have access to this type of program. It is interesting and rewarding to see the students taking part in such a great program.

Ms. Crumley said she attended an awards program with Karen in Roanoke County. A mother of one the students said that because of her daughter's participation in the program, the daughter has grown as a person and performed better academically as well.

On behalf of the Board, the Chairman thanked Ms. Holson for her work towards making this program a success.

Mr. Duncan called upon Mr. David Whitehurst to present the DGIF 2009 Biologists of the Year Awards for the Wildlife Bureau.

Mr. Whitehurst presented Mr. Michael J. Pinder the 2009 Aquatic Biologist of the Year Award. Mr. Pinder is a regional Wildlife Diversity Project Manager with the Virginia Department of Game and Inland Fisheries. Mr. Pinder coordinates research and management of the diverse nongame wildlife of southwest Virginia and serves as statewide coordinator of management of the Commonwealth's nongame fishes. He regularly provides technical consultation on nongame and endangered wildlife management issues to governmental agencies and private organizations. Mr. Pinder is a member of the North American Benthological Society, the American Fisheries Society, the Virginia Natural History Society, and has served as President and Newsletter Editor of the Virginia Herpetological Society. He is an accomplished illustrator and has prepared a number of technical drawings of the wildlife of Virginia. He has written numerous articles for publications and is senior author of the popular full-color publication, "A Guide to the Snakes of Virginia."

Mr. Whitehurst presented Mr. Jeffrey B. Trollinger the 2009 Wildlife Biologist of the Year Award. Since 2001, Mr. Trollinger has been involved in the watchable wildlife programs at the Virginia Department of Game and Inland Fisheries, including the development of the nation's first statewide wildlife viewing trail. The core concept of the Virginia Birding and Wildlife Trail is a statewide driving trail that linked together well-known sites and lesser-known local gems, providing travelers with opportunities to watch wildlife. As a result of Mr. Trollinger's efforts, DGIF secured over \$1.2 million in grants to support Trail development. Mr. Trollinger coordinated the assessment of sites for inclusion; the development of content, artwork and maps for the regional Trail guides; and 20+public input meetings. Mr. Trollinger engaged the Virginia Tourism Corporation to mail over 450,000 copies of Trail guides to individuals in all 50 states and 126 foreign countries. Completed in 2007, the Virginia Birding and Wildlife Trail has 668 sites organized into 65 driving loops. Mr. Trollinger is recognized as a leader in the development of wildlife viewing trails and has provided information about the special needs of wildlife viewers and related local economic development opportunities to a diverse array of publics. Mr. Trollinger is an active member of the Wildlife Society, including service as a member of the Urban Wildlife working group. He is a 10-year member of the Virginia Chapter of the Wildlife Society, where he currently serves as a Member-At-Large. He serves as a member of the Association of Fish and Wildlife Agencies' Wildlife Viewing and Nature Tourism Work Group. Mr. Trollinger was recognized as a Certified Wildlife Biologist by the Wildlife Society in 2002.

Mr. Trollinger thanked everyone who helped make this program a success.

On behalf of the Board, the Chairman congratulated Mr. Pinder and Mr. Trollinger on their accomplishments and thanked them for their service and dedication to the Agency.

Mr. Duncan introduced the Fellows from Peer Group 7: Vic DiCenzo, Region II; Mike Pinder, Region III, Phil West, Region I and Tom Wilcox, Headquarters. Mr. Duncan noted that on behalf of the Agency, Mr. Tom Wilcox had secured a DHS grant for 3 Law Enforcement Safe Boats and associated equipment. Mr. Duncan also congratulated Mr. Mike Pinder on his award. Mr. Duncan noted that Mr. Greg Funkhouser could not attend today's meeting due to previous work commitments.

Public Comments – Non Agenda Items: The Chairman called for Public Comments –Non Agenda Items. The Chairman noted for the record that members of the public wishing to make comments on agenda items would be called upon during the discussion of their particular request. **The Chairman stated he did not have any requests from the Public to speak on non-agenda items.**

Approval of the August 18, 2009 Board Meeting Minutes: The Chairman stated the minutes of the August 18, 2009 meeting have been distributed for review and posted to the Web Site. He called for discussion and approval of the August 18, 2009 meeting minutes. **Ms. Crumley made the following motion: Mr. Chairman, I hereby move the minutes be adopted as presented. Motion Seconded by Mr. Montgomery. Ayes: Yates, Hazel, Crumley, Burton, Pollard, Reed, Greer, Montgomery and Clarke.**

Final Action on the Proposed Regulation Amendment on Elk Hunting: The Chairman called upon Mr. Duncan to introduce Mr. Bob Ellis, Wildlife Division Director. Mr. Ellis gave the following presentation:

Mr. Ellis stated there were two items he would like to cover in his report from the August Board Meeting: (1) recommendation on the proposed regulation amendment to prohibit the hunting of elk within the state and (2) Board direction to the Director to have staff develop an elk restoration operational plan outline. Mr. Ellis indicated to the Board that the regulation amendment proposal from the August meeting has been posted for public comments beginning August 27, 2009 and closed on October 1, 2009. The Board has received a copy of the comments.

Operational Plan Overview: Elk Restoration and Management in Virginia

Section 1 - Introduction includes:

- I. Statement of Purpose
- II. Background Information on Elk in Virginia
- III. Elk Restoration in U. S.
 - I. Adjacent states
 - II. Other states
- IV. Elk Ecology
- V. Impacts of Elk
 - I. Benefits
 - II. Concerns

Section 2 - Restoration Approach includes:

- I. Define Restoration Area
 - I. Area Description
 - II. Identify Release Areas
 - I. Public Land
 - II. Private Land

- II. Establish Specific Goals for Restoration
 - I. Population Level (by year)
 - II. Recreation Goals

- III. Restoration Options
 - I. Active vs. Passive
 - II. Translocation
 - I. Locate Source Herds
 - II. Stocking Time-line
 - III. Disease Testing-pre-movement
 - III. Protection

Section 3 – Communication and Outreach needs includes:

- I. Communication
 - I. Key Stakeholders
 - II. Public Outreach Approaches

- II. Education

Section 4 – Management Issues

- I. Recreation Management
 - I. Hunting Opportunities
 - II. Wildlife Viewing/Tourism

- II. Habitat Management
 - I. Public Land
 - II. Private Land

- III. Nuisance/Damage Management
 - I. Within Restoration Area
 - II. Outside Restoration Area

 - III. Administrative Issues

Section 5 – Monitoring and Research Needs

- I. Population Monitoring
- II. Initial Translocation Evaluation
- III. Nuisance/Damage Monitoring
- IV. Habitat Monitoring
- V. Disease Monitoring

Section 6 – Costs and Funding

- I. Expected Budget (personnel, equipment, supplies, etc.....)
 - I. Restoration
 - II. Management Programs

- III. Monitoring and Research
- IV. Information and Education
- V. Impacts on DGIF Staff and Programs

II. Potential Funding Sources

Section 7 – Summary of Public Input on Draft Plan

Section 8 - Appendices

Section 9 - Literature Cited

The Chairman thanked Mr. Ellis for his presentation and called for comments from the Board.

Mr. Hazel asked Mr. Ellis about the projected time line for the plan. Mr. Ellis indicated the draft plan should be ready for the Board to review during the April Meeting in 2010. Public meetings and also a 60-90 day comment period would be held following the Board's review of the plan.

The Chairman called upon Mr. Burton, Chairman of the Wildlife and Boat Committee, to report on the activities of the Wildlife and Boat Committee Meeting held on October 21, 2009. The Chairman said he would call for public comment on this issue following Mr. Burton's report. Following public comments, the Chairman said he would call for a motion, discussion and vote from the Board on the proposed regulation amendment.

Mr. Burton said the Wildlife and Boat Committee heard Mr. Ellis' presentation on the Elk Restoration Operational Plan Outline during the meeting held on October 21, 2009. A good discussion was held on the plan and the plan will address many of the issues raised in the public comments. The Committee urges staff to include key groups such as the Farm Bureau, the Rocky Mountain Elk Foundation, the State Veterinarian and others in the early development of the plan. The Committee endorses the elements of the plan Mr. Chairman, and the committee did pass a motion endorsing the elements of the operation plan. The Committee further amended the motion to include that the Board seek permissive authority from the General Assembly to establish an elk hunting license. In regards to the Elk regulation proposal, after much discussion by the Committee, staff and the public on the proposal, the merits of moving forward with the proposal, modifying the proposal, or tabling the proposal, the Committee had no recommendation on the proposed regulation. This concluded his report.

The Chairman said in order to clarify, Mr. Burton, the Committee fully endorses and plans to present to the Board the adoption of the Elk Restoration Operational Plan Outline and you have no recommendation regarding the regulation change that is to be discussed and decided by the full Board. Is that correct? Mr. Burton stated the Committee felt the plan was very thorough and after having discussions with Wilmer Stoneman of the Farm Bureau, we requested that Mr. Ellis and his staff to include other groups in the development of the plan. By involving these groups, this would help the localities as well. The Committee could not and did not make a recommendation to adopt the moratorium on the shooting of elk on a deer tag. The Chairman thanked Mr. Burton for his remarks.

Public Comments: The Chairman called for Public Comments. The Chairman reminded those persons requesting to speak to move to the microphone at the podium. You will be limited in your time to comment –3 minutes for individual comments and 5 minutes for those representing an organization or group.

All persons requesting to make public comment on agenda items are requested to complete the Department of Game and Inland Fisheries Board Meeting Comment Form. This form requests the following information: Date; Topic of Discussion; Name and address; Telephone number; Whether or not you are representing a group and, if so, the name of the group represented; Are your comments for or against the proposals; other.

Mr. William E. Osborne, Tannersville, Virginia, spoke on the topic of elk and also spoke against the proposal.

The Chairman thanked Mr. Osborne for his remarks and attendance at today's meeting.

Mr. Starling Fleming, Pound, Virginia, who represented the Coal Beef Cattle and Land Association, spoke on the topic of elk and also against the proposal.

The Chairman thanked Mr. Fleming for his remarks and attendance at today's meeting.

Ms. Gwen Fleming, Pound Virginia, who represented the Virginia Farm Bureau, spoke on the topic of elk and also spoke against the proposal.

Ms. Anne Yearians, Pounding Mill, Virginia, spoke on the topic of elk hunting.

Mr. Hazel said not to negate any of the disease concerns expressed, but he had never heard of CWD as something that could go to a cattle herd. Ms. Yearians stated that to her knowledge (but that she may not be up-to-date), CWD could experimentally affect cattle, but that a natural case has not been discovered anywhere.

Mr. Yates asked if the same risk occurred in deer herds? Ms. Yearians stated that it was but to her knowledge the only state she is aware of with any problems is Michigan which has TB problems within their deer herd. As long as animals are not imported from these states, our population is okay. It takes years to regain your status once you have become a TB or brucellois infected state. Mr. Yates thanked her for the comments.

Ms. Della H. Osborne, Tannersville, Virginia, who represented the Tazewell County Farm Bureau Women's Committee Chairperson, spoke on the topic of elk in Tazewell County. Ms. Osborne indicated her property joins the state forest on Route 91. Ms. Osborne also spoke against the proposal.

The Chairman thanked Ms. Osborne for her remarks and attendance at today's meeting.

Ms. Emily Fisher Edmondson, Tazewell, Virginia, who represented the Farm Bureau, spoke on the topic of the reintroduction of elk and also spoke against the proposal.

Mr. Hazel thanked Ms. Edmondson for attending the meeting. Mr. Hazel stated he was also a Farm Bureau member and comes from a cattle farming family. Mr. Hazel asked if this issue had been taken to the full board of directors of the Farm Bureau for consideration. Ms. Edmondson said we (the Farm Bureau) have a resolution in place opposing this issue. Mr. Hazel said correct, but currently is this issue being discussed with the full board of directors? Ms. Edmondson deferred to Mr. Wilmer Stoneman for comments. Mr. Hazel asked will the Farm Bureau be in a position to be part of a cooperative effort between the Farm Bureau and the Department or is the Farm Bureau completely opposed and will they stay that way? Ms. Edmondson said she felt they (Farm Bureau Members) were reasonable folks. She believes the board to be reasonable as well. Ms Edmondson stated everyone just really needs to look at the problem and study it. Ms. Edmondson encouraged that a meeting to be conducted in the southwest area of Virginia to discuss the plan.

Ms. Crumley said she was a native Bristolian and she was familiar with the area. Ms. Crumley asked Ms. Edmondson how long have elk been in her area? Ms. Edmondson replied that they began seeing elk about 3-4 years ago.

Ms. Crumley asked if there had been any cases of disease reported during this period from the elk?

Ms. Yearins stated she was not sure because there is not a monitoring procedure in place because there is not enough information available about what to do with elk when they see them. There is not any information on sampling. Ms. Crumley asked but you have not had any disease in the cattle so far? Ms. Yearins stated we do not have TB and we do not have brucellosis at this point in time. Mr. Fleming referred to an elk that was killed and a report has not been received on that elk. Mr. Duncan stated that if the report had come back positive the agency would have been notified. Mr. Duncan said they knew of one case (not sure if it was this case) where an elk was found in poor condition but the elk was not diseased. Ms. Yearins said there are problems out west.

The Chairman thanked Ms. Edmondson for her remarks and attendance at the meeting today.

Mr. Wilmer Stoneman, who represented the Farm Bureau, spoke on the topic of elk and also spoke against the proposal.

The Chairman and Mr. Hazel thanked Mr. Stoneman for his remarks. Mr. Hazel said he understood the Farm Bureau's philosophy with regards to working with farmers and hunters which he greatly appreciates. Mr. Hazel stated he was inclined to vote against the regulation when the time comes but he hopes and expects the discussion with the Farm Bureau to be one

with open minds and a willingness to consider all points of view. Mr. Hazel asked if, while this issue is being discussed, will the Farm Bureau be out there working to do other things that might affect the outcome.

Mr. Stoneman said if everyone works together as discussed today and the Farm Bureau has some involvement in the plan, the position of the Farm Bureau might change.

Mr. Hazel thanked Mr. Stoneman for his remarks. The Chairman also thanked Mr. Stoneman for his remarks.

Mr. Henry Yearians, Pounding Mill, Virginia, spoke on the topic of elk hunting and also spoke against the proposal.

Mr. Burton asked Mr. Yearians if he were seeing elk on his property? Mr. Yearians stated he has not but there was an elk sited years ago and he is not worried about it at this time. Mr. Yearians feels that if elk reintroduction occurs the numbers of elk will increase in the area. Mr. Burton thanked Mr. Yearians for his comments.

The Chairman thanked Mr. Yearians for his remarks and attendance at today's meeting.

Ms. Kathy Funk, Greenville, Virginia, who represented the Rocky Mountain Elk Foundation, thanked the Board and pledged support from the Rocky Mountain Elk Foundation for the Elk Preservation Plan. Ms. Funk also spoke in support of the proposal.

The Chairman thanked Ms. Funk for her remarks and attendance at today's meeting.

Mr. Ed Bickham, Suffolk, Virginia, who represented the Virginia Bow Hunters Association, spoke on the topic of Rocky Mountain Elk and also spoke in favor of the proposal.

Mr. Hazel thanked Mr. Bickham for his attendance today. Mr. Hazel asked if at the meeting was there any concern about the proposal or any discussion about the out of cycle situation on this particular reg that you are aware of? Mr. Bickham indicated that he did not attend the meeting and it would have been a personal concern of his. Mr. Bickham understands the concerns of those present today and the plan seems to be the main thing. A plan is definitely needed. Mr. Hazel thanked Mr. Bickham for his remarks.

The Chairman thanked Mr. Bickham for his remarks and attendance at the meeting today.

The Chairman made the following remarks: He has had a number of people ask why Virginia was ignoring the potential for elk based on what was happening in other states – particularly Kentucky. As a result of that, an invitation was issued to the Rocky Mountain Elk Foundation and the wildlife agency people from Kentucky to attend the April, 2009 Board Meeting to present a program on Elk Restoration. Kentucky has been very successful in their program, thus leading the way for us (DGIF) continuing to move forward with the idea that now is the time to look at elk reintroduction for Virginia. The realistic and fair introduction and also support of the program is not based on fear, but on facts. Mr. Yates said he is not going to support the program based on fear, what if's, etc., but nor is he going to oppose the program on that basis either. Mr. Yates believes the Board will be guided on facts of what has happened in other states such as Kentucky and Tennessee and Pennsylvania, but also what has not happened. Mr. Yates believes that if Virginia did not have a deer herd the discussion held today would be similar. There are risks associated with game animals, the deer herd has been managed well, and not enough vs. too much; the possibility of disease has been controlled; efforts to control damage have been

managed. You can see as the plan that has been presented today, we have every intention of engaging in discussion with those who have expressed concerns today. We want to form partnerships with landowners, Farm Bureau, other state agencies, the agricultural community. Kentucky has found sixteen counties over the last 10 years for elk restoration and no one has requested they be removed. There should be areas in Virginia that are suitable for elk restoration and Mr. Yates realizes that there will be some problems, but that is what the restoration plan is designed for. Mr. Yates contacted the following people to see if there were any specific problems: - KY Extension Service Mr. Gary Palmer, Mr. Tom Barnes and Mr. Kenny Berdine; Judge Executives (like Virginia's County Administrators) Joe Grieshop-Harlan Co, Jim Ward-Letcher Co. and Wayne Rutherford-Pike Co.; KY Farm Bureau - Ms. Laura Knoth Director of Public Affairs. The comments on problems were minor and most said they would do elk restocking again.

Mr. Yates stated he had consulted with the Rocky Mountain Elk Foundation and there have not been any reported cases of disease found in the elk restoration program in Kentucky. We are making every effort to stay informed on this effort and want the support of the Farm Bureau as we move this initiative forward. Mr. Yates thanked everyone for their discussion so far.

The Chairman called for any additional discussion from the Board.

Mr. Montgomery said as a point of clarification: Today we are considering, as far as action goes, a vote on the removal of elk and a moratorium on the hunting of elk. Is that the only action item we will vote on today? Correct? The Chairman stated no – the Board will be asked to take action on two items: (1) to vote on the plan and (2) to vote on changing the regulation. Mr. Montgomery said so the other item would be an indication for staff to move forward with the plan outline as presented but not approve the plan? Mr. Yates stated that was correct. Mr. Montgomery said so we are not going to vote today for approval or disapproval on the reintroduction of elk. Mr. Yates said that today we would be voting to direct the staff to develop a plan and then we would conduct meetings during the development of the plan. Mr. Montgomery said that one of the outcomes of the plan could be that we not move forward with the reintroduction of elk, is that correct? Mr. Yates said he did not know about other members of this Board, but unless the plan can identify areas to grow an elk herd in Virginia with a low probability of significant conflict, I could not support it. Mr. Montgomery said he just wanted to make sure that everyone is aware, including himself, what the issues are in front of us. Mr. Montgomery has read the material, but not completed the extensive research that Mr. Yates has completed on the subject.

Mr. Montgomery requested to make his remarks: (1) the question is on the moratorium. Can someone tell us how many elk have been taken and in effect how many will not be taken. Mr. Ellis said over the past 5 years there were 7 elk killed and last year there was one harvested. Over the total time period 2000-2008, a total of 30 elk have been harvested and most of the harvest occurred after Kentucky started their reintroduction production. Mr. Montgomery said if we approve the moratorium, the indication is one elk either way? Mr. Ellis said correct. For Item number (2): Mr. Montgomery said the concerns on the plan were very valid and the phone calls made by Mr. Yates were right on point. Mr. Montgomery said others have broken the ground before us and that Wilmer and the members of the Farm Bureau can bring valuable input and experience from their members in other states. This will help the board make a good decision based on science and other related facts. Mr. Montgomery looks forward to the process.

Dr. Greer said he believes that every decision and every vote taken since he has been on the Board has been based on good solid science. Dr. Greer wants to ensure we listen to the farm

families and what is taking place in their area. Farming today is not easy. Dr. Greer wants to make sure the plan is developed based on good solid science before he cast his vote.

Mr. Clarke thanked Mr. Montgomery for clarification on the issues.

Ms. Pollard fully endorses having the plan, but she is somewhat concerned how that would fit into the budget process. We prioritized the Quail Action Plan and that is a priority of the Board and she is concerned about what other resources this plan would take from the Quail Action Plan.

Mr. Duncan asked to comment. During yesterday's Wildlife and Boat Committee Meeting, the plan that the staff would bring back to the Board in April, if that is what you direct the Director to have staff do, this information would be included in the draft plan. You are not voting on elk reintroduction or not. The plan will come with a recommendation. The recommendation could be (1) to go forward with elk restoration; (2) to have a passive program to grow elk in place; (3) or to not to move forward with elk restoration. Mr. Duncan said the plan has to address all of the components and concerns heard today.

Mr. Yates said one clarification that might help the issue is that this was combined as a discussion in the Wildlife and Boat Committee Meeting held yesterday. The Committee could have voted to delay taking any action on the development of the plan. The plan is definitely related to the issue and suggested it be dealt with all at the same time.

Mr. Hazel said in the interest of moving things along and recognizing the good comments received on the issue, he would like to make a motion that the Board not adopt the proposed regulation amendment to establish a moratorium on elk hunting in Virginia. This motion was seconded by Mr. Clarke.

The Chairman called for a discussion on the motion.

Ms. Crumley said that during the Wildlife and Boat Committee she made a suggestion to compromise by looking at a one year moratorium while we are looking at a plan. The elk we currently have in Virginia is a very valuable resource and we need to hold on to them. It is true that only one elk might be killed this year, but with the feelings that are apparent, how do we know the interest will not increase.

Mr. Montgomery said he wanted to offer a substitute motion to table the amendment rather than to take a vote one way or the other. In effect, if we table it and take no action then the regulation stays in effect. Mr. Hazel indicated that he had no problem with the substitute motion.

Mr. Yates said that he believes we have sent a signal which is what we wanted to do and this shows that we are serious about elk reintroduction in Virginia unless there was some compelling reason not to do so. Two big concerns are that to modify the regulations creates a law enforcement issue and a lot of people have suggested that it would be more appropriate for the recommendation to be included as part of the plan. There is a joint potential for an olive branch between the Agency, Farm Bureau, and Cattleman's Association to hold off on the initiative until the plan is developed.

The Chairman again asked the Board if it had any objection to tabling the issue and to take no action at this meeting. Hearing no objection, the Chairman asked for a second to the

substitute motion and Ms. Pollard seconded. The Board then voted, but after a brief discussion for clarification, Mr. Yates asked Mr. Montgomery to restate his substitute motion. Mr. Montgomery restated: Mr. Chairman, I move that the Board of Game and Inland Fisheries table the consideration of the moratorium on the hunting of elk. And as a result the regulation remains as is. Motion again seconded by Ms. Pollard.

The Chairman again called for discussion on the clarified substitute motion. Ms. Crumley asked if we could add to Mr. Montgomery's motion that pending our April Meeting and based on staff's recommendation, that if the Board approves the plan, we then can come back with a moratorium at that point?

Mr. Yates indicated he believes that is understood. Mr. Montgomery said that he would suggest with all due respect to Ms. Crumley that he opposed her suggestion and believes that is unnecessary and perhaps would cause even more confusion. Mr. Montgomery said that as he understands, part of the plan would include a recommendation from the staff. Mr. Montgomery indicated that if we vote today to table the motion as he has presented it, it is his understanding that if we table the issue, it can be reconsidered as part of the plan when that is presented.

Dr. Greer asked for clarification. If we vote to table, what are we voting for? The Chairman said we are voting to table the final action on the proposed regulation amendment for elk hunting in Virginia, which would prohibit the taking of elk on a deer tag.

Mr. Montgomery asked the Chairman to call for the question. The Chairman called for any further discussion by the Board. Hearing none the Chairman called for the vote on the substitute motion: Ayes: Pollard, Reed, Greer, Yates, Hazel, Clarke, Burton and Montgomery; Nay: Crumley

The Chairman called on Mr. Burton for the recommendation from the Wildlife and Boat Committee. Mr. Burton said a thorough meeting was held yesterday (10-21-09) by the Wildlife and Boat Committee. The Committee and staff discussed at length the Farm Bureau position on elk restocking with Mr. Wilmer Stoneman, and noted that the Committee and staff are working to ensure a working relationship continues on this issue. Mr. Burton made the following recommendation: Mr. Chairman, I hereby move that the Board endorse the elements of an operational plan for the restoration and management of elk in Virginia as recommended by the Wildlife and Boat Committee. As amended by Ms. Crumley, I further move that the Board request the General Assembly of Virginia to grant this Board permissive authority to enact an elk hunting license as recommended by the Wildlife and Boat Committee. The motion was seconded by Mr. Hazel.

The Chairman called for discussion on the motion.

Mr. Montgomery said he was encouraged by the fact, we could go forward with the consideration of this. Mr. Montgomery said I do want to make clear, because of the conversations held today about this, that for me personally this is not a signal one way or the other on the matter. Mr. Montgomery also said I am very open-minded on this issue and look forward to the process.

Mr. Burton thanked everyone from Southwest Virginia for their attendance today and thanked Mr. Stoneman for his attendance.

The Chairman recognized Mr. Beil for one last comment. Mr. Beil commended Mr. Yates for his efforts to obtain additional information on elk.

The Chairman called for the vote. Ms. Pollard said she had one question on the advisability of going to the General Assembly to obtain a separate elk hunting license this year. Shouldn't it be part of the plan – if the plan is approved? Ms. Crumley referred to the Director. The Chairman called upon the Director for further comment. Mr. Duncan said he understood Ms. Pollard's question. People may see this as a presupposition to the outcome of the plan but the critical piece of what has been offered is the fact that we would be asking permissive authority which does not require the Board to take action on anything. This would just allow, if it became apparent to the Board after hearing the plan, if the Board wanted to move forward, then this action would avoid any time delay and the Board could go forward with an elk hunting license. There is already a provision in the Code of Virginia that allows the Board to establish a separate bear license, which has not been done to date. Mr. Duncan also said he was not sure it made sense to do this unless you separate deer and turkey as well. The fact remains that we have elk in Virginia. At some point we may want to have this option in the future.

The Chairman said the Wildlife and Boat Committee was in support and he supports the idea of a separate elk tag in the future. The checking of elk on a deer tag in the future should come to an end.

Ms. Pollard said she wanted to know if there were any other species that should be added to the list if we have the ability to make a separate license. The Chairman said that he felt like that was a separate issue.

Mr. Montgomery said he was inclined to support the motion as offered with Ms. Crumley's amendment. It goes back to the law of unintended consequences however: it harkens back to a point where we initiated a review of a way forward in Virginia that was regarding hunting with hounds. It was wide open, but it was taken by certain people as a signal of things. It was totally unintended. Mr. Montgomery said he believes what Ms. Pollard was referring to is that it is very easy for someone to read into this and go to members of the General Assembly who are not in support of this. Mr. Montgomery said that if the Director and Mr. Sledd are confident that we are not setting them up to defend something that is a distraction during the General Assembly, then he is all in favor of the motion.

Ms. Crumley said she did not want to speak for Mr. Stoneman, but during the Wildlife and Boat Committee meeting yesterday, Mr. Stoneman encouraged the committee to take this step. Is that correct Mr. Stoneman? The Chairman said Mr. Stoneman had stated so again today in his comments.

Ms. Pollard asked for further comments from the Director. Mr. Duncan said he thinks having permissive authority through the code does not obligate us to do anything, but leaves the option open. He supports seeking permissive authority and understands the perception.

The Chairman called for the vote on the motion. Ayes: Pollard, Hazel, Yates, Crumley, Burton, Clarke, Reed, Greer and Montgomery. All Opposed: None.

The Chairman thanked everyone for their participation in this discussion.

The Chairman called for a 15 minute break at 11:15am. The Meeting was called back to order at 11:26am.

Presentation of the Wildlife Violator Compact Regulation Proposal: The Chairman called upon Mr. Duncan to introduce Colonel Dabney Watts to present the Wildlife Violator Compact Regulation Proposal. Colonel Watts gave the following presentation:

Wildlife Violator Compact

Virginia currently does not have a mechanism to identify habitual wildlife violators from other states, or deny a license to persons who have had their privilege or right suspended in other states. Though it is recommended that member states honor all license suspensions of other compact members, Virginia would retain the ability to regulate which suspensions would be honored. License revocations have been shown to be a great deterrent to would-be wildlife law violators. By extending the possibility of license revocation to all member states would increase the value of this deterrent exponentially.

Colonel Watts provided the Committee with a few statistics:

- 31 states are currently members of the compact
- 4 more are in the process of joining
- Virginia is 1 of only 15 non-member states
- All states, except West Virginia, contiguous to Virginia are members of the compact or are in the process of joining
- Increased potential for Virginia to be a hunting destination for non-resident wildlife violators who are suspended in their home states.

The mobility of many wildlife violators necessitates interstate cooperation and communication in order to protect and manage our wildlife resources for the benefit of Virginia's residents and visitors. This compact will provide DGIF and established mechanism to accomplish this communication and cooperation. It assures non-residents person receiving citations for certain wildlife violations in participating states the same treatment accorded residents. The benefits to the Commonwealth are:

- Virginia residents who may commit wildlife violations in other member states equivalent to Class 1 or 2 misdemeanors would be released on a summons instead of being physically arrested and taken before a magistrate for bonding
- It increases the efficiency of Virginia's conservation police officers by permitting them to release non-resident hunters who commit Class 1 or 2 misdemeanors in Virginia on a summons instead of spending several hours on physical arrest procedures.

The provisions of this address the same issues and parallels the processes related to driver's license privileges and suspensions pursuant to Title 46.2 of the *Code of Virginia*. There are no additional costs for personnel or equipment to participate in the compact. Participation by the Agency is voluntary and we could withdraw at any time. There is no background check

associated with the compact. Member states simply share existing databases of persons whose hunting licenses have been suspended for egregious wildlife law violations.

4 VAC 15-500-10

The Wildlife Violator Compact

1. These regulations are adopted pursuant to authority granted to the Board of Game and Inland Fisheries under §29.1-103(17) and §29.1-530.5 of the *Code of Virginia*.
2. Definitions used herein, unless the contrary is clearly indicated, are those used in §29.1-530.5 of the *Code of Virginia*, the Wildlife Violator Compact (herein referred to as the Compact).
3. In accordance with Article VII of the Compact, the Board hereby authorizes the Director (the Director) of the Department of Game and Inland Fisheries (the Department) to appoint the Commonwealth's representative to the Board of Compact Administrators. Such appointment shall be consistent with and subject to the aforesaid provisions of the Compact and such representative shall serve at the pleasure of the Director.
4. In accordance with Article IV of the Compact, upon receipt from a participating state of a report of the conviction in that state of a resident of the Commonwealth, the Department shall enter such conviction in its records and such conviction shall be treated as though it had occurred in the Commonwealth and therefore as a violation of Board's applicable regulations for purposes of suspension of license privileges.
5. In accordance with Article IV of the Compact, upon receipt from a participating state of a report of the failure of a resident of the Commonwealth to comply with the terms of a citation issued by that state, the Department shall notify such person of that report in accordance with the procedures set forth below and shall initiate a proceeding to suspend any applicable licenses issued to such person by the Board until the Department has received satisfactory evidence of compliance with the terms of such citation.
6. In accordance with Article V of the Compact, upon receipt from a participating state of a report of the suspension of license privileges of a resident of the Commonwealth issued by that state, the Department shall notify such person of that report in accordance with the procedures set forth below and shall initiate a proceeding to suspend any applicable licenses issued to such person by the Board until the Department has received satisfactory evidence that such suspension has been terminated.
7. Upon receipt of a report pursuant to Section 4, 5 or 6 above, the Director or his designee shall provide notice thereof to the resident of the Commonwealth who is the subject of such report. Such notice shall advise such person of the contents of the notice and of any action which the Department proposes to take in response thereto.
8. The person who is the subject of such notice shall be provided an opportunity to request within 30 days from the date of such notice an opportunity to contest the Department's proposed action by requesting an informal fact finding conference to be conducted by a representative of the Department designated by the Director. Although such proceedings are exempt from the requirements of the Administrative Process Act, (§§2.2-4000, et seq. of the *Code of Virginia*) as provided by §2.24002(A) (3) thereof, the Department shall to the extent practicable afford such persons seeking an informal fact finding conference the rights provided under §2.24019 of the *Code of Virginia*. Those include but are not limited to the right to

receive reasonable notice as described in Section 7 above and the right to appear in person or by counsel before the designated representative of the Department. However, no discovery shall be conducted and no subpoenas shall be issued as part of any such proceeding.

9. An informal fact finding proceeding shall be completed within 60 days of receipt by the Department of the request describe in Section 8. Upon such completion the designated representative of the Department shall make a recommended final decision to the Director or to such person designated by the Director to make such final decision. The final decision maker shall promptly issue a written decision to the person who requested the proceeding. Such decision shall constitute the final and non-appealable decision of the Department.
10. Any decision upholding the suspension of licensing privileges as a result of the process described above shall be entered by the Department on its records and shall be treated as though it had occurred in the Commonwealth and therefore as a violation of the Board's applicable regulations.
11. The Director shall establish procedures for reporting to participating states convictions, or failures to comply with citations in the Commonwealth by residents of those respective states. Such procedures shall comply with the reporting requirements established by and pursuant to the provisions of Compact.

The Chairman called for questions from the Board.

Mr. Montgomery said on behalf of Mr. Railey, How do you deal with retroactivity?

Mr. Montgomery gave the following example: If a person who was convicted last year and obviously we are not members of the Compact, how would you deal with that issue? Do you import as it exists? Colonel Watts said the first step would be to receive reports of those who had already been revoked in other states and then they would be entered into our database. We would make a report of Virginia residents whose license has been revoked and enter that information into the data base. As far as retroactivity, if a Virginia resident already has a suspension in another state, would we count that suspension against or towards license suspension, if he was to get another suspension next year - no we would not. The time would begin when we actually become a member of the compact. Mr. Montgomery said what if right now a person has two convictions - Tennessee and Kentucky – and we are unaware of that, the person is about to hit the button to purchase the license, and we enact this compact. Are those convictions subject to this compact and before it was on the books, before we became a member, how are we going to deal with this issue or is it an issue? The Colonel said he did not believe it was an issue. In Virginia, we would be concerned with revoking the licenses of Virginians who have convictions in other states, we would not treat those convictions as counting against them in a three year period. The Compact leaves it up to each state with the ability to manage the offenses. The only licenses revoked in another state, then it would be revoked in Virginia. Mr. Montgomery suggested to Colonel Watts that the process be clearly defined. If someone is denied a license and the sentence is greater than before we became a member of the compact, it leaves room for challenging. The Colonel said the convictions would be counted when we became members of the Compact. Mr. Montgomery also said do other states have a constitutional amendment to hunt and fish like Virginia currently has? The concern is you have an out of state conviction, not like a driver's license because there is not a constitutional amendment for your driver's license, but there is to hunt. Colonel Watts said that was correct and the way the amendment reads: as long as all other laws are obeyed in the Commonwealth. When the General Assembly authorized the Board to join the Compact if they wished, the General Assembly put the entire wording of the Compact into the Code of Virginia and made it Virginia Law. Mr. Montgomery wanted to know why not fisherman too? The

Colonel said he has gotten into the habit of referring to hunting licenses but the compact does refer to fishing licenses as well.

Dr. Greer asked the Colonel why does this have to go before the Board if it does not require any additional funding? Dr Greer said that it is an administrative issue and from where he sits, it should not have even come before the Board. Mr. Duncan indicated to Dr. Greer that one of the requirements of becoming a member of the Compact requires approval from the Board and the General Assembly to submit the application. Once the Agency has been accepted into the Compact, the Board will be asked to also pass a resolution.

The Chairman called for the motion and Ms. Crumley made the following motion: Mr. Chairman, I hereby move that the Board of Game and Inland Fisheries recommend for proposal the Wildlife Violator Compact as presented. If approved, the proposal will be published in the Virginia Register, newspapers statewide and on the Department's web page. Motion seconded by Mr. Hazel. Ayes: Yates, Burton, Crumley, Montgomery, Clarke, Reed, Pollard and Greer, Hazel.

Mr. Hazel noted that the proposed compact regulation would be published for public comment period for 60 days.

Approval of the 2010 Board meeting Schedule: The Chairman called upon Mr. Duncan to present the proposed **2010 Board Meeting Schedule**. Mr. Duncan requested the Board approve the following meeting schedule:

March 2, April 20, June 8, July 13, August 17 and October 5th.

A brief discussion was held by the Board and Staff on the proposed meeting dates. Hearing no further discussion, the Chairman called for a motion to approve the proposed 2010 meeting schedule as presented by Mr. Duncan. Mr. Hazel made the following motion: Mr. Chairman, I move we approve the calendar as presented. Motion Seconded by Ms. Crumley. Ayes: Yates, Crumley, Hazel, Greer, Burton, Reed, Montgomery, Clarke and Pollard.

Committee Reports: The Chairman called upon Mr. John Montgomery, Chairman of the **Finance, Audit and Compliance Committee** for a report on the activities of the October 7, 2009 Committee Meeting. Mr. Montgomery welcomed Mr. Clarke who will serve as a member of this Committee.

Mr. Montgomery said that Mr. Matt Koch reported on the Agency's Budget-to-Actual performance for FY2009. Included in the budget background information was that:

- Revenue was below appropriations and therefore was the limiting factor in FY2009.
- Operating Forecast was 99% accurate.
- Actual capital revenue was \$600,000 over forecast due to a federal fisheries grant being re-designated for Coursey Springs.
- Budget adjustments were mandated by the Administration and had the desired impact of reducing Agency expenses.

Mr. Montgomery stated monitoring and auditing of the Small Purchase Charge Card continues and there were no outstanding issues in this report.

The Auditor of Public Accounts has completed the Agency Audit. The report indicates only one finding – the agency does not have a documents BIA (Business Impact Analysis). This report is due to be completed by the end of the year. Mr. Montgomery thanked Dr. Greer for his participation in the exit Audit.

Mr. Montgomery noted all of the continued accomplishments of the Agency Outreach Division and the media report for the quarter.

Mr. Montgomery also stated the Agency plans to incorporate an Indirect Cost Rate on federal grants that will result in capturing an additional \$1,800,000 Federal revenue and the Pittman Robertson Fund is expected to increase 40% due to increased firearm and ammunition sales.

The Chairman thanked Mr. Montgomery for his report.

The Chairman called upon Mr. Jimmy Hazel, Committee Chairman of the **Education, Planning and Outreach Committee** for his report on the activities of the October 8, 2009 Meeting. Mr. Hazel said that a quorum was not present for the meeting and items requiring action from the committee will be carried forward to the next Committee Meeting.

The Committee received a progress report from Mr. Gary Martel on the Funding Team's recommendations and status of ideas for possible revenue ideas not included in the 2010 DGIF Legislative Package. Some of the ideas presented were DGIF gift cards; a new Conservation License Plate and renewing the Outdoor Store. The Committee and Staff also explored the idea of on-line advertisement (currently not allowed per VITA/State policy - staff is looking into Outdoor Report advertising; this would require setting up a third party vendor). The Committee encouraged staff to look into this possibility further and provide a status report to the committee.

Mr. Charlie Sledd provided the Committee with an update on the 2010 Legislative Proposals. Mr. Sledd will provide an update at the next Committee Meeting.

The Chairman indicated the EPO Committee will be reviewing the Committee Meeting structure as stated in the Board Governance Manual. The Chairman requested Mr. Montgomery and Mr. Burton to review the current committee charters to see if they currently meet the needs of their committee. The Committee Charters will be discussed at the next EPO Committee Meeting.

The Chairman also received a report on the Hunter Education Program from Captain Bobby Mawyer of the Law Enforcement Division. The Law Enforcement Division and the Hunter Education Volunteers were presented the Award of Excellence for State Agencies during the State Fair of Virginia. 178 Hunter Ed classes have been conducted for the period of July 1, 2009-present and 90 classes are on the schedule through December 31, 2009.

Mr. Hazel said he completed the Orientation Program for the new Board Members. A lot of helpful information was received. Some of this information will be presented during future EPO Committee Meetings and Board Meetings.

The Chairman reminded the Director to keep the Board informed on Legislation.

The Chairman thanked Mr. Hazel for his report.

The Chairman called upon Mr. Burton, Chairman of the **Wildlife and Boat Committee** for his report on the activities of the October 21, 2009 Meeting. Mr. Burton called upon Mr. David Whitehurst and Mr. Chris Burkett to present the Climate Change Adaptation Strategy. Mr. Burkett gave the following presentation:

**Virginia's Strategy for Safeguarding Species of Greatest Conservation
Need from the Effects of Climate Change**

Virginia's Wildlife Action Plan was completed in 2005 and has been endorsed by the Board of Game and Inland Fisheries. The plan describes how we can keep species from becoming endangered. The action plan mentions climate change as a threat for a few species, but doesn't discuss it thoroughly and does not provide real direction on what to do about climate change.

The National Wildlife Federation received a grant in 2008 from the Wildlife Conservation Society to assist Virginia, Florida, and Washington to develop adaptation strategies to supplement Wildlife Action Plans. The agency partners in this development process were Ms. Austin Kane, National Wildlife Federation; Mr. Nathan Lott and Ms. Dan Roberts, Virginia Conservation Network.

Two goals of the planning process were: (1) identify things we can do today to begin addressing climate change and (2) building the foundation for 2015 when the Wildlife Action plan is scheduled to be updated. Stakeholder workshops were held and the first draft strategy was distributed in June 2009 to all the participants and others. After all of the comments were received, a final strategy was developed.

The three main strategies are: (1) conserve species and habitats; (2) address data and modeling needs and (3) outreach. Actions to address each of these strategies have also been developed:

Species and Habitats - Actions

Conserve/Restore Native Habitats
Initiate process to conserve habitat connectivity
Revise Virginia's Endangered Species Act
New Public/Private Resources
Captive Breed/Population Augmentation

Data and Modeling – Actions

Climate modeling and vulnerability assessment
Public Attitude Polling
Ecosystem Toolkit

Outreach - Actions

Communications Plan
Local Action Summaries

The next steps are to: (1) work with the Department's Advisory Council and (2) work with Government and Academic Partners.

The proposed strategy was developed with significant stakeholder input and will help us take advantage of climate related opportunities. These strategies will also help promote actions using proven techniques and technologies. It is the staff's recommendation that the Wildlife and Boat Committee advance this document, *Virginia's Strategy to Safeguard Species of Greatest Conservation Need from the Effects of Climate Change*, to the full Board and recommend the Board's endorsement of the document and associated efforts as recommended by staff. The Chairman thanked Mr. Whitehurst and Mr. Burkett for their report.

A discussion was held by the Board and Staff. Hearing no further discussion, the Board Chairman called for the motion from the Wildlife and Boat Committee. Mr. Montgomery made the following motion: **Mr. Chairman, I hereby move that the Board of Game and Inland Fisheries endorse the document and associated efforts listed in the Virginia's Strategy to Safeguard Species of Greatest Conservation Need from the Effects of Climate Change. Motion seconded by Ms. Pollard. Ayes: Yates, Hazel, Pollard, Crumley, Montgomery, Reed, Clarke, Greer and Burton.**

Mr. Burton said the Committee heard a progress report from Mr. Mike Fies on the resolution of issues between the Trappers and the Mounted Fox Hunters.

Public Comment was heard from Mr. Steve Colvin. Mr. Colvin spoke for the fox hunter/trapper agreement.

Mr. Ellis provided the Committee with an update on the Bear Management Plans revision, the draft Mute Swan Management Plan, and the Quail Action Plan. Mr. Ellis also covered the Wildlife Management Area Study update.

Mr. Charlie Sledd presented the Committee a copy of the NASBLA Resolution honoring the Virginia Department of Game and Inland Fisheries for 50 years of Boating Safety.

The Chairman thanked Mr. Burton for his report.

Director's Report: The Chairman called upon Mr. Duncan to present the Director's Report.

Mr. Duncan gave a power point presentation titled "*The Next Generation: 'Passing on the Hunting Tradition': Youth Deer Hunting Day, September 26, 2009*". Mr. Duncan presented the facts and figures for the day: Reported harvest telephone and internet checks were 926 and 10 counties participated with Rockingham County showing the highest number for youth deer hunters. All reports submitted stated everyone enjoyed their day. One of the many quotes was from Mr. David Slagle: "Although I love to hunt, I find it more pleasing to take my young son in the woods. It's a great time together and he learns things he'll remember for the rest of his life." Mr. Duncan referred to additional quotes and pictures included in the power point presentation.

Mr. Duncan said "This special early deer hunting day for our 'next generation' of sportsmen and conservation leaders did not happen overnight. I want to acknowledge the dedicated efforts of Board Member Sherry Crumley and Hunters Helping Kids Director Dennis Campbell for their leadership and commitment in working with other sportsmen's organizations, like the Virginia Deer Hunters Association to get this special youth hunting opportunity officially enacted.

Board Member Sherry Crumley submitted a family photo featuring her 12 year old grandson, Corey Simpson, with his first deer on Youth Deer Day quotes: "It was a family group effort! His

7 year old sister, Kathryn, armed with my compact Zeiss binoculars, was the first one to spot the deer. Corey made a great shot.” Congratulations Corey on a nice trophy buck!

Mr. Duncan thanked everyone who participated in this event.

Mr. Duncan called upon Mr. Dennis Campbell, who came before the Education, Outreach and Planning committee to present his idea for this event. Mr. Campbell thanked the Board for adopting the regulation for the Youth Deer Hunt Day. It was a huge success.

In his report, Mr. Duncan also covered the staff’s attendance at the Governor’s Conservation Event being conducted today in Roanoke.

Mr. Duncan presented Mr. James Adams the LEED Certificate for the Regional Office located at the Rice Center and a Boat landing recognition. In addition to the accomplishments, on the agency’s behalf, Mr. Adams was successful in obtaining \$1MM in stimulus money for energy efficiency to be used at one of the fish hatcheries.

Mr. Duncan met with the DGIF Advisory Group. This group will work with the Agency to discuss topics of interest and partner with the Agency on projects in the future.

The Fellows in the Leadership Development Program participated in a two-day session about change leadership. The goal of this session was to increase knowledge about managing change in support of the practical application of associated leadership skills.

The first day included an all day workshop facilitated by Maria Sullivan, who has been working with the Agency on change management this year. During the day, Mrs. Sullivan focused on change management concepts and introduced many planning tools.

The second day included a panel of leaders who have led significant change initiatives in their careers. Panel members shared the benefits and challenges of their experiences and engaged in an interactive discussion with Fellows. The panel members included:

- Mr. Bill Leighty, Director of the Government Performance Initiative at VCU; former Chief of Staff to Governors Warner and Kaine; former Director of the Virginia Retirement System;
- Ms. Eva Teig Hardy, Interim State Director for Senator Warner; former Executive Vice President of Public Policy and Corporate Communications at Dominion Resources; former Virginia Secretary of Health and Human Resources (Gov. Baliles); former Commissioner of Virginia Department of Labor and Industry (Gov. Robb); and
- Mr. Paul Schmidt, Assistant Director for Migratory Birds and State Programs for the U. S. Fish and Wildlife Service; former Deputy Assistant Director for Migratory Birds and State Programs and as Deputy Assistant Director for Refuges and Wildlife, Chief of the Division of Migratory Bird Management, and other positions within the U. S. Fish and Wildlife Service.

Mr. Duncan said during the two days, he had several opportunities to speak with the Fellows participating in the program.

Chairman’s Remarks: The Chairman thanked everyone for their participation in today’s meeting. The Chairman announced additional committee assignments: Mr. Clarke has agreed to

serve on the Finance, Audit and Compliance Committee and Ms. Crumley agreed to serve on the Nominations Committee.

Mr. Duncan recognized Ms. Becky Gwynn for her work with the Leadership Development Program.

At 1:02pm, the Chairman called for the Closed Session Motion: Dr. Greer made the following motion:

*Closed Session Motion
October 22, 2009*

Mr. Chairman,

I hereby move that the Board of Game and Inland Fisheries go into a closed meeting pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointee, or employees of the Department of Game and Inland Fisheries specifically regarding:

The performance evaluation for the Director.

And

Pursuant to Section 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to:

An update on the Headquarters relocation in Hanover County.

Furthermore, I move that pursuant to Section 2.2-3711(A) (7) of the Code of Virginia for the purpose of consulting with counsel regarding specific legal matters requiring the provision of legal advise, namely the holding of social gatherings attended by members of the Board.

Motion was seconded by Mr. Reed. Ayes: Yates, Hazel, Greer, Montgomery, Pollard, Burton, Crumley, Reed, Clarke.

Mr. Montgomery and Dr. Greer departed at 1:30pm.

At 2:28pm, the Chairman called for the Certification of the Closed Session. Mr. Hazel made the following Certification:

*Certification of Closed Meeting
October 22, 2009*

WHEREAS, the Board of Game and Inland Fisheries has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Game and Inland Fisheries hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

Certification Seconded by Ms. Crumley. Ayes: Yates, Pollard, Hazel, Crumley, Reed, Clarke and Burton

Additional Comments: The Chairman called for additional business/comments from the Board.

Mr. Duncan thanked Mr. Dan West, who filled in for Ms. Vicki Kristniski, for assisting with the AV for the meeting today. He also thanked Sgt. Hank Garner, who filled in for Capt. Bobby Maywer, who served as timekeeper today.

Mr. Hazel stated he had received a letter from Ms. Glenda Booth, President of the Friends of Dyke Marsh. Ms. Booth sent a copy of House Resolution 701 from Congressman Jim Moran, which recognizes the 50th Anniversary of the law that designated the Dyke Marsh Wildlife preserve as part of the U. S. National Park System. The House of Representative approved the bill, H. Res. 701 on October 6 on a vote of 325 to 93. Mr. Hazel notified Ms. Booth the resolution would be read into the minutes of the DGIF Board Meeting to be held in October.

The resolution H. Res. 701 reads:

H. Res. 701

*In the House of Representatives, U. S.,
October 7, 2009.*

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86-41 so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount;

Whereas the Honorable John D. Dingell of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, filling, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,00 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leaved cattail wetlands in the United States National Park Service system;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artist, photographers and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources; Now, therefore, be it

Resolved, that the House of Representatives—

- (1) recognized the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;*
- (2) recognizes and expresses appreciation for Representative John Dingell's Representative John Saylor's and Representative Henry Reuss's leadership in preserving this precious natural resource;*
- (3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;*
- (4) expresses the need to continue to conserve, protect and restor this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and*
- (5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by generations for the next 50 y ears and into the future.*

The Chairman thanked Mr. Hazel for his efforts and requested the Board Secretary to have this resolution included in the minutes of today's meeting.

Next Meeting Date: The Chairman announced the next Board Meeting would be held on March 2, 2010 at 9:00am.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Beth B. Drewery
Board Secretary